

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
SOUTHERN DIVISION**

<b>IN RE: ESTATE OF OMA E. GRIFFITH,</b>	)	
	)	
<b>Deceased,</b>	)	
	)	
<b>DEBORAH HOOPER,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION NO.:</b>
<b>v.</b>	)	
	)	
<b>UNDERWRITERS AT LLOYD'S</b>	)	
<b>750 7<sup>th</sup> Avenue, New York, New York</b>	)	
<b>10019 and ATLANTIC SPECIALTY</b>	)	
<b>LINES OF VIRGINIA, LLC, 9020</b>	)	
<b>Stony Point Parkway, Suite 450</b>	)	
<b>Richmond, Virginia 23235</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS UNDERWRITERS AT LLOYD'S, LONDON SUBSCRIBING  
TO POLICY NO. AS201VA439743-0 AND ATLANTIC SPECIALTY  
LINES OF VIRGINIA, LLC'S NOTICE OF REMOVAL TO THE UNITED STATES  
DISTRICT COURT, EASTERN DISTRICT OF TENNESSEE**

COME NOW Defendants, those Certain Underwriters at Lloyd's, London subscribing to Policy No. AS201VA439743-0 (improperly named in the Complaint as "Underwriters at Lloyd's, hereinafter "Underwriters," and Atlantic Specialty Lines of Virginia, LLC, hereinafter "ASL-Virginia," collectively, the "Defendants"), by and through undersigned counsel, and pursuant to 28 U.S.C. §§ 1441 *et seq.*, hereby file this Notice of Removal, as follows:

I.

Plaintiff Deborah Hooper ("Plaintiff") filed her Complaint in the Chancery Court of Marion County, Tennessee on June 13, 2014. The case was styled: *In Re: Estate of Oma E. Griffith, Deceased, Deborah Hooper, Plaintiff v. Underwriters at Lloyd's, 750 7<sup>th</sup> Avenue, New*

*York, New York 10019 and Atlantic Specialty Lines of Virginia, LLC 9020 Stony Point Parkway, Suite 450, Richmond, VA 23255.* True and correct copies of all process, pleadings, and orders served upon Defendants in that action are attached hereto as Exhibit “A.”

## II.

Plaintiff attempted service upon Underwriters via Certified Mail Return Receipt Requested at 750 Seventh Avenue, New York, New York 10019, which was delivered on June 24, 2014, according to the Domestic Return Receipt included in Exhibit “A.” Plaintiff attempted service upon ASL-Virginia via Certified Mail Return Receipt Requested at 9020 Stony Point Parkway, Suite 450, Richmond, Virginia 23235, which was delivered on June 24, 2014, according to the Domestic Return Receipt included in Exhibit “A.” Plaintiff also delivered the summons and Complaint upon the Department of Commerce and Insurance on June 24, 2014. Neither Underwriters nor ASL-Virginia has responded to the Complaint.

## III.

In her Complaint, Plaintiff alleges a loss to the Deceased located at 7321 Highway 108, Whitwell, Marion County, Tennessee (the “Property”), as a result of a fire that Plaintiff alleges occurred at the property on July 14 or 15, 2013. Complaint, ¶¶ II-III. Plaintiff alleges that “claims were duly filed through Russ Hood Agency, the agent who caused said policy to be issued. To date, the Plaintiff has had no contact with any claim’s agent of the Defendants nor any compensation for the loss although the amount of insurance was ... \$120,000 for said loss.” Compl. at ¶ IV. Plaintiff also seeks recovery of pre-judgment interest. Compl. at ¶ V.

IV.

Underwriters subscribe to Policy No. AS201VA439743-0, a personal lines property policy (previously and hereinafter the “Policy”) that provided certain coverages for the Property for the policy period March 15, 2012 to March 15, 2013. The Policy has dwelling limits of \$120,000; other structures limits of \$12,000; and loss of use limits of \$12,000. The Policy does not provide personal property coverage, and Plaintiff does not seek personal property coverage in the Complaint. *See generally* Compl.

V.

Plaintiff seeks from Defendant damages in excess of \$75,000, exclusive of interest and costs. Consequently, the amount in controversy requirement of 28 U.S.C. 1332(a) has been satisfied.

VI.

Upon information and belief, Plaintiff Deborah Hooper is a citizen of Tennessee.

VII.

Certain Underwriters at Lloyd’s, London, are self-regulating entities operating as an insurance market in the United Kingdom, organized under the laws of the United Kingdom and with their principal place of business in the United Kingdom. The lead Underwriters are citizens of the United Kingdom. None of the Underwriters subscribing to the Policy was a citizen of Tennessee at any time relevant to this matter, including the date on which the Complaint was filed.

#### VIII.

ASL-Virginia is a limited liability company formed in Virginia, with its principal office located at 9020 Stony Point Parkway, Suite 450, Richmond, Virginia 23235, and its registered office is located at 3 Agent Services, Inc., 2121 Eisenhower Avenue, Suite 251, Alexandria, Virginia 22314. ASL-Virginia does not have citizenship in Tennessee. None of ASL-Virginia's Members are citizens of Tennessee.

#### IX.

As there is complete diversity among the parties, and there is a sufficient amount in controversy, federal jurisdiction exists pursuant to 28 U.S.C. § 1332, and this matter may be removed pursuant to 28 U.S.C. § 1441(a), *et seq.*

#### X.

Under 28 U.S.C. § 1446(b), this Notice of Removal is timely filed, as it is filed within thirty (30) days of the date on which Plaintiff purports that she served Underwriters and ASL-Virginia with the Complaint, via Certified Mail Return Receipt Requested.

#### XI.

Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiff's counsel and filed in the Chancery Court for Marion, Tennessee.

#### XII.

Pursuant to 28 U.S.C. § 1446(a), Underwriters and ASL-Virginia have complied with all prerequisites for filing this Notice, including attachment hereto of all process, pleadings, and orders served upon defendants.

XIII.

Pursuant to Fed.R.Civ.P. 81(c)(2)(C), Underwriters and ASL-Virginia will each file their respective answers or other responsive pleadings presenting their defenses or objections to Plaintiff's Complaint within seven (7) days of the filing of this Notice of Removal.

XIV.

WHEREFORE, Defendants Underwriters and ASL-Virginia pray that the action now pending in the Chancery Court for Marion County, Tennessee, be removed therefrom to this Court.

This 24th day of July 2014.

**COZEN O'CONNOR**

By: /s/ John W. Reis  
John W. Reis  
Tennessee Bar No. 24818  
One Wells Fargo Center, Suite 2100  
Charlotte, North Carolina 28202  
Phone: (704) 376-3400  
Fax: (704) 334-3351  
Email: [jreis@cozen.com](mailto:jreis@cozen.com)

Kenan G. Loomis  
Admission to Court and *Pro Hac Vice*  
Motion forthcoming  
Tennessee Bar No. 026150  
Stacey S. Farrell  
Admission to Court and *Pro Hac Vice*  
Motion forthcoming  
Georgia Bar No. 255877  
303 Peachtree Street, NE  
SunTrust Plaza, Suite 2200  
Atlanta, GA 30308-3264  
Telephone: (404)572-2000  
Fax: (404)572-2199  
Email: [kloomis@cozen.com](mailto:kloomis@cozen.com)  
Email: [ssfarrell@cozen.com](mailto:ssfarrell@cozen.com)

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
SOUTHERN DIVISION**

**IN RE: ESTATE OF OMA E. GRIFFITH,** )  
 )  
 **Deceased,** )  
 )  
 **DEBORAH HOOPER,** )  
 )  
 **Plaintiff,** )  
 **v.** )  
 )  
 **UNDERWRITERS AT LLOYD'S** )  
 **750 7<sup>th</sup> Avenue, New York, New York** )  
 **10019 and ATLANTIC SPECIALTY** )  
 **LINES OF VIRGINIA, LLC, 9020** )  
 **Stony Point Parkway, Suite 450** )  
 **Richmond, Virginia 23235** )  
 **Defendants.** )

**CIVIL ACTION NO.:**

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served counsel for all parties in this action with a copy of the foregoing **DEFENDANTS' UNDERWRITERS AT LLOYD'S, LONDON SUBSCRIBING TO POLICY NO. AS201VA439743-0 AND ATLANTIC SPECIALTY LINES OF VIRGINIA, LLC'S NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF TENNESSEE** by U.S. Mail Postage prepaid upon the following:

J. Harvey Cameron, Esq.  
Cameron & Cameron, P.C.  
28 Courthouse Square, Suite 100  
P.O. Box 759  
Jasper, TN 37347  
(423) 942-9975  
[jhcam@aol.com](mailto:jhcam@aol.com)

This 24th day of July 2014.

/s/Stacey S. Farrell  
Stacey S. Farrell  
Admission to Court and *Pro Hac Vice*  
Motion forthcoming  
Georgia Bar No. 255877  
Cozen O'Connor  
303 Peachtree Street, NE  
SunTrust Plaza, Suite 2200  
Atlanta, GA 30308-3264  
Telephone: (404)572-2000  
Fax: (404)572-2199  
Email: [ssfarrell@cozen.com](mailto:ssfarrell@cozen.com)